

Occupying Spaces Created by Conflict

Anthropologists, Development NGOs, Responsible Investment, and Mining

by Catherine Coumans

Regulators, investors, and communities are increasingly aware of the potential environmental and social harm associated with open-pit mining projects. Local-level conflict is now commonly associated with proposed and operating mines as community members struggle to protect economic and social values of importance to them, to assert the right to refuse a mine, or to advance claims on mining companies for damages. In response, mining companies seek partnerships to help them secure a so-called social license to operate and manage risk to reputation. This essay examines the role of anthropologists, development organizations, and socially responsible investment companies in the context of conflicts between indigenous Ipili and the Porgera Joint Venture gold mine in the highlands of Papua New Guinea. In dialogue with the mine, these corporate engagement actors define the problems to be addressed and implement solutions that may impede the agency of the Ipili by not reflecting and advancing Ipili claims on the mine, providing information and advice regarding the community to the company (where it often becomes proprietary), lending legitimacy to corporate social responsibility strategies, and remaining silent about the environmental and human rights abuses to which they become privy.

"Beware of Anthropologists"

A conference in the Philippines in 1998 brought together international activists and scholars to discuss the environmental and social costs of mining. Following my presentation, I was approached by an enthusiastic Filipina community activist. She asked me about my background. When she found out I was an anthropologist, her eyes opened wide and she stepped back and exclaimed loudly, "Oh! I warn all the communities to beware of anthropologists!" I understood her concern. About 2 years earlier I had been confronted by the fact that some mining companies were actively recruiting anthropologists when a mining executive informed me that anthropologists had a choice to make: they could be either part of the problem or part of the solution. This raises questions about how different actors in mining conflicts define the problem, whose solutions get implemented, and what the impacts are on mining-affected communities.

In this essay I move between key debates in corporate social responsibility (CSR) that are playing out at national and international levels and the realities faced by indigenous Ipili at the Porgera Joint Venture (PJV) gold mine in the highlands

of Papua New Guinea (PNG). I argue that debates on CSR legitimize and facilitate engagement between a wide range of actors and mining companies. I show through the Porgera case how these engagements can come into play when local struggle against social and environmental harm—often waged at great cost to community members over many years—is elevated to a high-visibility conflict that receives national and international attention. The corporate engagement actors I focus on are anthropologists, development organizations, and socially responsible investment (SRI) companies.

Through the Porgera case I examine how engagements between mining companies and these experts and organizations may facilitate the continuation of harmful social and environmental practices by not advancing community claims being made on the company, by providing information and advice regarding the community to the company (where it often becomes proprietary), by lending legitimacy to corporate strategies, and by remaining silent about the environmental and human rights abuses to which they become privy.¹

1. Insights in this essay have evolved since my doctoral work (Coumans 1993) in anthropology on the mining-affected island of Marinduque in the Philippines (see Coumans 1995, 1997, 2000, 2002; Coumans and Marinduque Council on Environmental Concerns 2002). Data for this essay were collected over 11 years through my current employment as research coordinator and Asian-Pacific program coordinator at MiningWatch Canada. This position has provided me the opportunity to participate in national and international multistakeholder CSR pro-

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Conflict and Opportunity Associated with Mining

Large-scale open-pit mining is harmful to the environment because of the large volume of earth that is displaced, the massive volume of waste that is produced, and the potential long-term environmental toxicity of mine waste (Da Rosa and Lyon 1997). Attention to the social impacts of mining lagged behind focus on the environmental consequences of mining, but by the mid-1990s, significant social costs that mining exacts on host communities and indigenous peoples were recognized (Miranda, Chambers, and Coumans 2005:47–95). Currently, even many remote mining-affected communities are better informed about mining and better connected to each other and to external support organizations as a result of NGO activity and increased sharing of information among communities (Coumans 2008).

Potentially affected communities are rarely homogenous in their response to the prospect of a mine, and the percentage of community members who support or oppose a mine typically does not remain fixed over time. Levels of support and opposition often change with the stages of mining and may be affected by positive initiatives undertaken by the mining company or by negative impacts that were not anticipated. Traditionally, communities have tended to support mine projects until the high costs were revealed. But an increasingly common pattern is one in which a community is nearly unanimous in opposition to a mine for many years until the project receives its operating permit or until mining starts to degrade the things of value that people were trying to protect. At this point some of those who opposed the mine will start to try to offset these costs with benefits through jobs, compensation, or development projects. Others may try to negotiate protection for environmental and social values that have not yet been affected. Typically, there are short-term winners and losers in communities with operating mines, and typically the elite of a community are better able to capture benefits, while marginal community members and women suffer more of the negative impacts.

Conflict associated with proposed and operating mines is now common, as community members assert the right to refuse a mine or advance claims on mining companies for alleged damages.² Mining companies recognize this new reality when they speak of needing a so-called social license to operate to avoid costly delays and even the potential loss of

a project as a result of sustained opposition and conflict. In addition to pressure from potentially affected communities and their global supporters, mining companies face increased scrutiny from the media, regulators, investors, and downstream consumers such as jewelers and the electronics industry. Reputation is increasingly recognized by mining companies as an economic asset that needs to be managed (Power 2003). Finally, while mining companies operating in developing countries still largely operate with effective impunity (Ruggie 2008:3), some are being challenged in precedent-setting legal proceedings (Kirsch 1997) and through quasi-legal complaints mechanisms, such as UN treaty bodies. All of these pressures lead to increased demands on mining companies not only to seek approval from communities but also to be able to demonstrate responsible processes and practices with respect to host communities to a wider range of stakeholders.

Mining companies and their national and international associations are responding to increased pressure for corporate accountability by promoting voluntary CSR measures while vigorously opposing regulation and legal reform that would provide possible sanction and remedy in the home countries of multinational mining companies operating in developing countries (Coumans 2010).³ The embrace of CSR by mining companies has opened the door to a burgeoning CSR industry. A wide range of new impact assessments—human rights impact assessments (HRIAs), gender impact assessments, peace and conflict impact assessments—and the expansion of internationally recognized codes of conduct⁴—some of which require quite detailed expertise to implement, monitor, and verify—are evolving together with rafts of for-profit experts and consultants in these areas.

Here I examine some of the consequences for local actors of the engagement of experts by a mining company in the context of the PJV mine. The three types of experts I focus on—anthropologists, development experts, and SRI companies—all have in common that they are perceived by, and may present themselves to, mining companies as problem solvers and risk managers. The objectives of the mining company are to continue operations with minimum social or reputational risk. While engagement of these experts by a mining company may create opportunities for some members of a mining-affected community, it may also undermine agency by others who are struggling to advance claims and/or prevent long-term harm. I examine how and why the mandates of the experts brought in by the PJV mine have not been aligned with the stated goals and objectives of local actors

cesses. It also requires long-term engagement with mining-affected communities. I have visited Porgera three times, starting in 2000, and I have hosted Ipili leaders from Porgera in Canada yearly since 2008. I maintain ongoing communication with these leaders, as well as with members of other organizations and institutions with interest in the Porgera case.

2. For indigenous communities, the right to refuse a mine is codified in the right to free prior and informed consent as set out in the UN Declaration on Indigenous Peoples Rights. Nonindigenous communities advance the right to say no in a range of ways, including by holding referenda to demonstrate lack of support for a project.

3. See also Kirsch (2010:87) for a discussion of the way mining companies create terms, such as “sustainable mining,” and provide innovative definitions to “conceal harm and neutralize critique.”

4. For example, the UN Global Compact, the Extractive Industries Transparency Initiative, the Organization for Economic Cooperation and Development Guidelines for Multinational Companies, the U.S./U.K. Voluntary Principles on Security and Human Rights, and the Global Reporting Initiative, among many others.

and why their work for the company has not advanced those goals.

The PJV Mine

The PJV gold mine started operations in 1990 at a 2,500-m elevation in a remote valley in Enga Province in the PNG highlands.⁵ Canada's Placer Dome (Placer) managed the mine until 2006, when Barrick Gold (Barrick) acquired Placer.⁶ Barrick now owns 95% of the PJV mine through two wholly owned PNG subsidiaries. Five percent of the ownership of the mine is divided equally between the Enga provincial government and indigenous Ipili landowners within the Special Mine Lease (SML) area. The PJV mine is one of the most profitable gold mines in the world and represents 11% of PNG's gross domestic product. The PJV mine has been the locus of serious and often violent social conflict involving the mine, landowners, and their guests in the SML area, as well as landowners adjacent to and downstream from the mine. Conflict around the PJV mine, while culturally informed and constructed, has been rooted in environmental and social impacts, rapid social transformations, and policies and practices of the mine itself (Biersack 2001; Filer 1999a, 2001; Filer, Burton, and Banks 2008; Jacka 2001; Nita 2001; Shearman 2001).

Environmental Impacts Associated with the PJV Mine

The PJV mine has faced intense criticism from affected landowners and international stakeholders over its mine-waste disposal methods. The PJV mine employs riverine disposal, which entails discharging millions of tons of tailings per year into the 800-km-long Strickland River system that ends in the Gulf of Papua. This disposal method is not permitted in Barrick's home country, Canada. The PJV mine's mountainous waste rock piles, called erodible dumps, have been engineered to move like glaciers and also empty themselves into the same river system.⁷ These dumps are expected to continue to empty themselves into the river system for many decades after the mine has closed down.

In the decade before mining began in Porgera, a number of engineering studies determined possibilities for mine-waste storage near the mine, as well as options to greatly reduce the production of waste (Shearman 2001). Underground mining started in 1990 and was supplemented by a large-scale open pit in 1992. The mine's 1991 permit to use the river as a dumping ground is based on variances the government of

PNG permitted to its own water quality criteria, including permitting a 160-km-long mixing zone in which metal levels are unrestricted.

Independent scientific findings detailing serious downstream impacts were first published in 1995 (Mineral Policy Institute 1995; Shearman 1995). In response to considerable public pressure following these reports, the PJV mine employed the Australian Commonwealth Scientific and Industrial Research Organization (CSIRO) to review its operations (CSIRO 1996). CSIRO concluded that the impact of the PJV mine's waste disposal constituted both chemical and physical risks to the river and that the PJV mine should "vigorously pursue the possibility of containing all or part of the tailings solids and waste rock on-site" (CSIRO 1996:7-2). A later study found that tailings being deposited in the lower reaches of the river, in overbank depositions, and in off-river water bodies include metals such as arsenic, cadmium, and zinc, which are readily bioavailable (Apte 2001).

"The Shooting Fields of Porgera": Human Rights Abuses and Social Conflict

Disputes related to compensation payments from the PJV mine started at the time of permitting and construction of the mine and continue to fuel conflicts. There are conflicts involving people who are affected by the mine but do not receive compensation, such as the people living in the upstream area along the power line to the gas plant. There are conflicts that arise over legitimacy of entitlement and level of payment. In some cases anger is directed at the mine (power line poles have been cut down with some regularity); in others conflicts evolve into long-running and very deadly tribal battles.⁸ More recently, Porgerans have demanded international attention for three other sources of conflict and alleged human rights abuses related to the operations of the PJV mine.

One of these urgent sources of conflict is related to the rejection by the PJV mine and Barrick of a demand by executive members of the Porgera Landowners Association (PLOA) that all landowner families living within the SML area be resettled out of the SML area. The PLOA argues that the traditional land of the Ipili landowners is no longer fit for human habitation because many of the landowners live perilously alongside the open-pit mine and its numerous waste dumps. There is insufficient land in the SML area for subsistence gardening, and access to clean water is a major problem. After Barrick took over the mine in 2006, the PJV mine hired consultants the URS Corporation to conduct a resettlement study associated with plans for mine expansion. Expectations of resettlement were raised between early 2006

5. For Barrick's perspective on the issues that are discussed here, see <http://www.barrick.com/CorporateResponsibility/KeyTopics/PorgeraJLV/default.aspx> (accessed July 7, 2010).

6. For details of ownership structures over time, see Nita (2001:158).

7. In 2008, approximately 6.05 million tons of tailings and 12.5 million tons of waste dump sediment entered the river system (Strickland River 2009 Report Card, <http://www.peakpng.org.pg/docs/Report%20Card%20Oct%2009-Final.pdf>).

8. Tribal warfare is common throughout the highlands and has received extensive anthropological attention. However, there are indications that premine feuds in Porgera did not fit the model of other large-scale tribal battles in Enga. They were of shorter duration and led to less property damage as a result of a cognatic social system that would "dilute clan loyalties in fights" (Bonnell 1999:64).

and June 2007, when the URS Corporation completed its final report (which is not being made public by PJV/Barrick; the data collected by anthropologists for this report are also considered proprietary).

The PJV mine ultimately decided against resettlement of all landowners living within its SML area because of, in part, the costs associated with a full resettlement (Mark Fisher, mine manager, personal communication, November 11, 2008). At a news conference in Canada, Mark Ekepa, chairman of the PLOA, said, "The mine has made it impossible to live here. . . . Either we need to be moved immediately, or Barrick needs to leave this place." In a letter to Ekepa, Fisher stated, "There will be no full relocation of people off the SML, but we have begun the process of moving those eligible people who are at risk of being affected by the mining operation due to safety or geotechnical considerations."¹⁰ The success of resettlement of smaller groups on a need-to-move basis is limited because landowners fail to comply with the PJV mine's relocation terms.

A second area of conflict concerns ongoing allegations of human rights abuses by the PJV mine's security forces. In 2005, a newly formed grassroots human rights organization based in Porgera, called Akali Tange Association (ATA), completed a report that alleged human rights abuses were being perpetrated by the PJV mine's security forces. The report, called "The Shooting Fields of Porgera Joint Venture," detailed alleged killings (14, of which 11 were by shooting) and beatings of civilians by the PJV mine's security forces and provided postmortem reports and witness statements to support its allegations.¹¹ MiningWatch Canada received copies of this report and started to engage with ATA on the issues it raised and to bring these issues to the attention of decision makers in Ottawa and the Canadian media. In a 2005 article, then-mine operator Placer admitted to eight killings of community members by the PJV mine's security guards and police (Burton 2005). Under pressure to respond to these allegations, the PNG government established a public commission of inquiry in 2006 that heard witness reports. The report of the findings of this commission was finished in 2006 but has not been released. Since 2006, there have been further allegations of human rights abuses by security guards against men and women in the SML area.

In 2008, members of the executives of ATA and PLOA aligned in a new organization called the Porgera Alliance and

came to Canada to speak out at Barrick's annual general meeting about the need for resettlement and about the need for compensation for victims of alleged violence by the PJV mine's security guards. They have returned to raise these issues at Barrick's annual general meeting in each subsequent year. They have also regularly met with Canadian members of parliament and ranking civil servants and presented their concerns at the UN Permanent Forum on Indigenous Peoples Rights in New York.¹²

In 2010, Tyler Giannini, who heads the International Human Rights Clinic at the Harvard Law School, and Sarah Knuckey of the Center for Human Rights and Global Justice at the New York University School of Law testified for the second time before a Canadian parliamentary committee regarding the findings of their multiple-year investigation of these alleged abuses by the PJV mine's security guards: "In October 2009 we provided testimony to this committee on allegations concerning gang rapes, physical abuse, and killings by security guards that we documented during three separate fact-finding missions to Barrick Gold's PJV mine in Papua New Guinea. Subsequently, we submitted a detailed supporting document, including extensive appendices of police and autopsy reports, which we encourage you to review."¹³

Finally, in an escalation of local violence, on April 18, 2009, more than 200 troops—including four mobile units, an air tactical unit, and intelligence officials from the PNG defense force—were deployed in Porgera in Operation Ipili '09 (Muri 2009). News reports on April 30 indicated that "more than 300 houses belonging to local landowners near the Porgera gold mine in Enga Province have been torched allegedly by the policemen called out to restore law and order in the district" (Erero 2009; Radio New Zealand International 2009). Mark Ekepa, chairman of the PLOA, is quoted as saying "these houses belong to the second and third generation landowners. . . . Many of those left homeless were three of the seven landowner clans—Tieni Wuape, Tieni Wiagolo and Tieni Lakima—in Porgera."¹⁴ In 2010, Amnesty International reported that the raids resulted in forced evictions and gross violations of human rights. The PJV mine housed the troops and pro-

9. See MiningWatch Canada (http://www.miningwatch.ca/index.php?/Porgera/Porgera_linked_to_abuse).

10. Letter of Mark Fisher to Mark Ekepa of July 23, 2008.

11. Akali Tange Association, "The Shooting Fields of Porgera Joint Venture; Now a case to compensate and justice to prevail. A Compensation Specific Submission to the Porgera Joint Venture on behalf of Placer Dome Canada Inc, Durban Roodepoot Deep of South Africa and Mineral Resources Enga Ltd. and the Independent State of Papua New Guinea: On the Unlawful Killings of Village Alluvial Gold Miners at the PJV Mine Site—Special Mining Lease (SML) and Lease for Mining Purpose (LMP) Areas," unpublished, 2005.

12. For press releases and backgrounders related to these visits, see <http://www.miningwatch.ca> and <http://porgeraalliance.net>.

13. For transcripts of testimony given by Giannini and Knuckey on October 20, 2009, and June 3, 2010, plus a copy of their supporting documentation, see <http://www.business-humanrights.org/Documents/CanadaParliamentarytestimonyreBarrickPJV>. For Barrick's response to these and other allegations, see <http://www.barrick.com/CorporateResponsibility/KeyTopics/Bill-C-300-Submission-to-the-Standing-Committee/default.aspx>.

14. See MiningWatch's letter to UN Special Rapporteurs of May 3, 2009 (<http://www.miningwatch.ca/en/urgent-appeals-united-nations-special-rapporteurs-regarding-human-rights-abuses-porgera-mine>). See also Amnesty International's public statement (<http://www.amnestyusa.org/document.php?id=ENGASA340012009&lang=e>) and the Center on Housing Rights and Evictions (http://www.cohre.org/store/attachments/AP_IE_PNG_EngaProvince_26May09.pdf). Barrick put out a public response on its Web site the first week of June 2009 (<http://www.barrick.com/CorporateResponsibility/KeyTopics/PorgeraJV/default.aspx>).

vided them with food and fuel, and it continues to do so at the time of this writing. Amnesty's (2010) report demonstrates that the PJV mine and Barrick were not living up to the Voluntary Principles on Security and Human Rights, which "Barrick and PJV claim to implement . . . at the Porgera Mine" (12). Landowners seek compensation for displaced families and support Amnesty's (2010) recommendation that Barrick and the PJV mine call "for a full investigation into the forced evictions and police violence in the SML, the prosecution of those responsible, and the provision of remedies to those affected" (20). To date, this has not happened.

The following sections of my essay explore the relationships between anthropologists, a development NGO, and an SRI company with the PJV mine. These engagements can now be examined against the backdrop of environmental and human rights concerns associated with the PJV mine and the stated objectives and claims of local Ipili as outlined above.

Embedded Anthropology

Ballard and Banks (2003) observe that changes in the past 2 decades, both in global mining and in the sociopolitical contexts in which mining takes place, have placed mining operations at the center of a complex web of local and global relationships that open the door to potential areas of anthropological inquiry and theorization. Anthropologists have studied mining in PNG through traditional anthropological approaches that entail a high degree of independence from mining companies (e.g., Biersack 1995, 1999, 2001; Jacka 2001; Kirsch 1989, 1997, 2001; Sillitoe and Wilson 2003). But a significant number of publications are based on research conducted entirely or in part while anthropologists worked under contract for a mining company (among others, Burton 1992, 1999; Filer 1991, 1999a; Filer, Burton, and Banks 2008; Kirsch 1993; Macintyre and Foale 2004).¹⁵

The opportunity for anthropologists to engage in contracts with mining companies stems largely from pressures on mining companies to manage social risk and achieve and maintain a social license to operate, as discussed above. The urgency for mining companies operating in PNG to manage com-

munity relationships has been particularly acute because relationships in PNG between resource extraction companies and landowners have been notoriously volatile.

Academically engaged anthropologists who take on contract work for mining companies, as opposed to anthropologists who work full-time for mining companies, become temporarily embedded in mining projects as consultants paid by the company to broker relationships between the company, community, and wider stakeholder groups; as contract researchers to gather social and cultural data for the company; as cultural advisors to the company; and as expert participants in multistakeholder processes involving the company. Other forms of embeddedness are fuzzier. Sometimes anthropologists have independent funding for their mining-related research but accept logistical support in the form of housing or transport from the mine. Just as journalists embedded with troops gain access to experiences and information that would be difficult to obtain as independent journalists, embedded anthropologists may gain unique insider perspectives and information. However, like embedded journalists, their ability to publicize those insights or perspectives may be restricted, and their reporting may be biased by their operating environment.

Furthermore, engagements of anthropologists with mining companies have the potential to displace or suppress efforts by mine-affected community members to protect themselves from negative environmental or social impacts or to pursue their own strategic objectives with respect to the mine. Anthropologists have been, and continue to be, embedded in the PJV mine in at least two capacities, as consultants and as expert participants in multistakeholder processes and structures that fall under CSR initiatives launched by the mine.

Mapping the Ipili: Inside Knowledge, Proprietary Data, and Human Rights Abuses

Anthropologists were not directly involved in the social and economic impact study (SEIS) for Porgera that was completed in 1987 (Burton 1999:283).¹⁶ Nor were anthropologists engaged in the early rounds of unpublished genealogies conducted by the PJV mine in the 1980s, which informed the first relocation of landowners to make a place for the mine (Burton 1999:284–286).¹⁷ However, from 1990 on, anthropologists were engaged off and on by the PJV mine in efforts to gather census data and conduct social and ecological mapping and in a number of rounds of genealogies of the mine-affected Ipili communities related to relocation and compen-

15. I have sought to ascribe appropriate examples to each category. It is sometimes difficult to know whether data presented are derived from independent research, research conducted while under contract for a mining company, or some combination of the two. An important publication on Porgera (Filer 1999a) is in part an attempt to put research done under contract to the PJV mine in the public realm; this volume therefore provides greater clarity with respect to data collected under contract. In an introductory chapter, Filer (1999b:15) notes that the PJV mine provided "endorsement of the present publication" but did not allow for inclusion of the 1996 annual report of the Social Monitoring Programme and its recommendations. In October and November of 2010, Biersack undertook research on rape in Porgera under a contract from Barrick Gold. It is not clear yet whether a report from this research will be made publicly available (A. Biersack, personal communication, February 20, 2011). For further discussion on issues related to consultancy and anthropology, see Stewart and Strathern (2005).

16. Burton (1999) comments on the fact that it is "very unlikely that a social impact study team, without an anthropologist would properly characterize Ipili society in a matter of weeks" (285).

17. An exception to the lack of anthropological input was the work done for Placer by Father Philip Gibbs, who lived in Porgera for many years and had "basic training in anthropology" (Burton 1999:286). See P. Gibbs, 1981, "Tieni genealogical statement," and, n.d., "Tuanda and Waiwa genealogies," unpublished reports to Placer (PNG).

sation (Burton 1999:286–290). Social mapping and social impact work were also done by anthropologists for the PJV mine in connection with its mine closure planning in the early 2000s. Most recently, in 2006 and 2007, following Barrick's takeover from Placer, anthropological expertise was engaged as part of a major study by the URS Corporation related to a proposed resettlement of all clans living in the SML area. It is fair to say that the most extensive study of Ipili genealogy and culture in Porgera since 1990 has been done by anthropologists under hire by the PJV mine and that much of this information remains proprietary.¹⁸

Burton and Filer provide reflections on their experiences as contract anthropologists for the PJV mine.¹⁹ They primarily focus on their relationships with mine management but also offer observations about relations between the PJV mine and mine-affected communities that may shed light on the current intense conflicts and alleged human rights abuses by the PJV mine. However, Filer (1999b:14, 15, 18) also makes clear that a lot of the information gathered for the PJV mine, as well as the specific problems that were identified and the recommendations made to the PJV mine, remain out of the public record. Common contractual or verbal undertakings between mining companies and their consultants restrict anthropological consultants from freely speaking about and publishing the insights they may have gained as researchers on the ground, even in the light of pressing concerns regarding human rights abuses, such as those alleged at the PJV mine.

Barrick's response to allegations by ATA of human rights abuses by the PJV mine's security guards has been to argue that guards are responding appropriately to "trespassers" and "illegal miners"; that Porgera is inundated with immigrants who do not belong there; and that tribal fighting has become more intense, is interfering with the mine's activity, and needs to be controlled. Barrick and the PJV mine therefore welcomed the military and police action that started in April 2009 as a way to deal with these issues and restore "law and order."²⁰

Barrick's terminology and characterization of the issues do not reflect cultural insights in the proprietary social data the company has at its disposal. Burton (1999) notes that the immigration of "genealogically connected people from Laigam, Kandep and Tari" (284) started as soon as the mine started in 1990. He also indicates that immigration was entirely predictable owing to the "land rights which Porgerans

hold in various parts of the valley, by pursuing cognatic links of kinship, and to the flexible manner of reckoning relatedness to other people" and that this "severe vulnerability" of the mine was recognized in the 1987 SEIS (Burton 1999:284). This insight coincides with public statements from ATA and PLOA that indicate that most people staying in the SML area are related to the landowners and have their permission to be there.²¹

The problem of immigration for the PJV mine is in part related to the need to sort out entitlements to compensation and other mine-derived benefits related to the impacts of the mine. The ability to do this depends on reliable genealogies. Both Burton (1999) and Filer (1999a, 1999b; Filer, Burton, and Banks 2008) have discussed the inconsistent history of social mapping at the PJV mine and the predictable consequences of an incomplete database. According to Filer, Burton, and Banks (2008), "even before the takeover, the management of 'community affairs' at Porgera had been dogged by failure to maintain a proper record of who was actually entitled to receive whatever the company has agreed to distribute among the 'local landowners,' let alone to understand the social impact of such allocations" (174). Among the social impacts that Filer refers to, which are related to compensation failures by the mine, are some of the very tribal fights Barrick complains about,²² which are now, but were not traditionally (Bonnell 1999), among the most destructive in Enga province.²³

The request for relocation of all landowners from the SML area, made publicly by PLOA, has a long history that is unacknowledged by the PJV mine. Filer, Burton, and Banks (2008) note that a "long-term" resettlement plan aligned to the company's mining plans was "the subject of active discussion" under Placer when the social monitoring program was abandoned in 1997, after which relocation was placed in the "too hard" basket" (175). There was also extensive anthropological genealogical input into the recent URS Corporation resettlement study commissioned by the PJV mine, but this study, its recommendations, and the reasons why the PJV mine decided to abandon the relocation plan have not been made public by the PJV mine.

The dispute between the PLOA and the PJV mine over the houses that were burned down by PNG military and police during Operation Ipili '09, the first military and police "call out" there has ever been in Enga province, highlights the need

18. Many social data have been gathered for the PJV mine by social scientists I have not named here because I am focusing on anthropologists. However, the extensive work for the PJV mine by Glenn Banks and Susanne Bonnell deserves mention (see Filer 1999b). Additionally, there are important independent anthropological studies that have been done on the area before 1990. See, for example, Biersack (1987), Gibbs (1975, 1977), and Wohlt (1978).

19. Filer (1999b:2, 1999a:ix) engaged with the PJV mine through his work as projects manager with the University of Papua New Guinea's business arm, Unisearch PNG, which he helped to establish.

20. <http://www.barrick.com/CorporateResponsibility/KeyTopics/PorgeraJV/default.aspx>.

21. To understand the complexity and implications of the ways in which cognatic claims are made among the Ipili of the Porgera Valley, see Biersack (1999, 2001).

22. In interviews I conducted with landowners (March 2009) about a major tribal fight that took place in Porgera station in 2005, as well as about current tribal fighting between Aiyakena and Nomali, it was clear that these fights were both rooted in disputes over compensation payments from the mine.

23. Polly Weissner, Akii Tumu, Woody Tumu, and Nitze Pupu Tradition and Transition Centre, Wabag, "Warfare in Enga Province from prehistory until modern times," unpublished report prepared for the Enga provincial government, November 2007.

for transparency with regard to the PJV mine's proprietary genealogical data. Barrick initially maintained that the destroyed houses were a "temporary encampment of crude shelters"²⁴ and that no one had been made homeless by the house burnings (Amnesty International 2010:9). The leadership of the PLOA insisted that these were permanent houses of landowners. PLOA also decried attempts by the PJV mine to sign agreements with people in villages under siege by Operation Ipili '09, arguing that the company should be going through PLOA's agents (PLOA executive, personal communication, July 3, 2009). It is clear from Filer's observations that the lists of landowners the company is using may well be deficient, opening the door to further conflict between clans and between clans and the company.

Burton and Filer's reflections on their work for the PJV mine indicate that in many areas where the Ipili of Porgera are in open dispute with the PJV mine—regarding relocation, entitlement and compensation, alleged abuses by the PJV mine's security guards, and most recently Operation Ipili '09—confidential data, as well as the identification of problems and recommendations that have been provided to the company over the years by anthropologists, could be of vital importance to Porgerans as they pursue their claims. Anthropologists who have provided services to the PJV mine to help the mine resolve its many social problems may well have been motivated by the desire to see local Ipili thrive.²⁵ But their client was the mine, not the Ipili, and in a context of conflict, it is the PJV mine that has exclusive access to the data gathered from the Ipili, data it can use or ignore as it furthers its own goals, potentially in opposition to the Ipili.

Porgera Environmental Advisory Komiti: Business as Usual

In 1996, Placer created what it called an "independent" oversight body, the Porgera Environmental Advisory Komiti (PEAK),²⁶ with a mandate to oversee the implementation of the recommendations in the CSIRO report discussed above. PEAK has never achieved financial or decision-making independence from the PJV mine and Placer, now Barrick, nor has it achieved its core mandate. Importantly, CSIRO's review of the PJV mine's operations and critique of riverine disposal of tailings was the outcome of years of struggle by downstream communities seeking recognition and compensation for the damages they suffer as a result of the PJV mine's waste disposal into the Strickland River system.

24. Letter from Barrick to UN special rapporteurs, June 2, 2009 (<http://www.reports-and-materials.org/Barrick-Gold-appendix-B-re-Porgera-mine-16-Jun-2009.pdf>).

25. For an important discussion of motivations for and implications of anthropological contract work with mining companies, see Kirsch (2002).

26. *Komiti* is Tok Pisin for "committee." See <http://www.peakpng.org.pg/> (accessed August 10, 2007). In 2003, PEAK's mandate was expanded to include economic and social issues affecting local communities.

The Porgera River Alluvial Miners Association (PRAMA) was formed in 1994 as part of the PLOA. PRAMA includes landowners in the SML area but also downstream landowners who directly suffer the mine's contamination of the river (Nita 2001:161–162). An independent study conducted by Shearman (1995) finally raised the issue to the international level in Australia and put effective pressure on the PJV mine to respond. In 1996, the downstream people around Yuyan and Politika were successful in pursuing their claims for compensation for pollution of the river and for loss of alluvial mining beds under the waste from the mine (Jacka 2001:49). However, PRAMA and other Lower Porgera landowner groups have continued to struggle for recognition and compensation for the severe impacts their members face. The stakes for the PJV mine are high because Porgerans are well aware of the US\$500 million out-of-court settlement that was obtained in 1996 by landowners affected by the neighboring Ok Tedi mine's riverine disposal system (Kirsch 2002).

PEAK never achieved its mandate to oversee the implementation of the CSIRO recommendations. More than 10 years after its inception, PEAK members "expressed concern over access to a number of PJV documents" and decided to request documents, including the 1996 CSIRO study (PEAK minutes, April 25, 2006). PEAK also did not fulfill its mandate to assure that the PJV mine's "activities are consistent with international best practice in social, economic and environmental terms."²⁷ Five years after its creation, Shearman (2001) noted that PEAK had "failed to catalyze and oversee meaningful change in waste management" (180). Shearman (2001) concludes that "through the use of PEAK in its glossy annual reports and sustainability documents, Placer has skillfully managed to acquire green credentials while continuing with business as usual at the Porgera site" (180).

In 2001, Yati Bun, executive director of the Foundation for People and Community Development in Papua New Guinea and chairman of PEAK at the time, quit the multistakeholder body. In his public resignation letter, Bun (2001) said, "My conscience cannot tolerate being involved any longer with the PEAK process of expediting the continuation of riverine discharge, as when the history of Porgera is written I do not wish to be the one that oversaw Porgera's impacts and did nothing."

In 2008, following a 3-year-long investigation, the Norwegian Government Pension Fund announced that it had divested from roughly CAN\$230 million worth of shares in Barrick as a result of the riverine tailings disposal at the Porgera mine. The report noted that

Barrick's operation of the Porgera mine entails an unacceptable risk of extensive and irreversible damage to the natural environment. . . . The company's riverine disposal practice is in breach of international norms. . . . The company's assertions that its operations do not cause long-term and irreversible environmental damage carry little credibil-

27. See the PEAK Web site (<http://www.peakpng.org.pg/>).

ity. This is reinforced by the lack of openness and transparency in the company's environmental reporting. . . . The council finds reason to believe that the company's unacceptable practice will continue in the future. (Council on Ethics 2008:97–98)

Australian anthropologist Martha Macintyre joined PEAK in April 2005. Placer cultivated long-standing relationships with academics. Macintyre had a relationship with Placer dating back to the mid-1980s, when she consulted for the company at its Misima mine in PNG (Macintyre and Foale 2004). While Macintyre probably hoped to increase the effectiveness of PEAK, she instead became complicit in PEAK's implicit and explicit support for the PJV mine's responses to environmental claims and alleged abuses of human rights in the SML area.

As allegations of violence related to the mine's security guards gained international attention in 2005, PEAK tightened rules around its communications, making the organization even less responsive to stakeholder needs. "PJV requested that PEAK seek a detailed explanation on the background issues, before assessing and responding to communications from organizations and groups" (PEAK minutes, October 18, 2005: 3).²⁸ In response to a letter from the miner's association, "it was noted that PEAK is not to address any compensation issues associated with Porgera's environmental impact or activities in general." By making compensation for environmental damages off limits, PEAK distanced itself from the ongoing claims of landowners whose struggle for recognition had led to the establishment of PEAK.

In 2006, as the PNG government's Commission of Inquiry investigated violence at the mine site, PEAK discussed a "code of conduct" for its members under the heading "Confidentiality Agreement" and resolved that all "queries and/or requests are to be directed *solely* to the Chairman and the Executive Officer" who will direct "all issues to PJV, Barrick Gold Ltd and the appropriate Government Agencies" (PEAK minutes, October 30–31, 2006). In 2008, the International Human Rights Clinic at the Harvard Law School continued its investigation of alleged violence associated with the mine's security guards. PEAK members sought "to secure an independent legal opinion" regarding "members' indemnity against legal action" (PEAK minutes, April 15–17, 2008). In 2009, PEAK met, with Macintyre in attendance, just months after at least 130 landowners in the mine lease area had been forced out of their houses, which were burned down in the police action Operation Ipili '09. As Amnesty International and other organizations decried these gross violations of human rights, PEAK minutes make no mention of these events but note only agreement "to put out a press release recognizing the positive impact the Police Call-Out has had on law and order in the Porgera District" (PEAK minutes, October 4–5, 2009).

28. http://www.peakpng.org.pg/docs/mm_1005.pdf.

By remaining embedded in PEAK and adhering to its confidentiality rules, Macintyre not only legitimizes PEAK but also voluntarily restricts her own ability to speak out publicly about alleged abuses of human rights, to address compensation issues, or to provide local communities—the supposed beneficiaries of PEAK—key information that is relevant to their claims on the mine.

Development versus Accountability

John Ruggie (2008), special representative on business and human rights to the secretary general of the UN, identified a governance gap "between the scope and impact of economic forces and actors, and the capacity of societies to manage their adverse consequences" (3). He notes that this gap "provides the permissive environment for wrongful acts by companies of all kinds without adequate sanctioning or reparation" (Ruggie 2008:3). This governance gap assures that local-level conflict around mines often festers for years without resolution. The problem of effective impunity when mining companies operate in weak governance zones was also recognized in a 2005 parliamentary report in Canada, which called on the Canadian government to "establish clear legal norms in Canada to ensure that Canadian companies and residents are held accountable when there is evidence of environmental and/or human rights violations associated with the activities of Canadian mining companies" (Standing Committee on Foreign Affairs and International Trade 2005).

In subsequent Canadian government-led multistakeholder roundtables called "Corporate Social Responsibility and the Canadian Extractive Industry in Developing Countries," the fault lines between civil society participants and Canadian extractive industry participants became clear.²⁹ Civil society participants from labor, academia, and NGOs sought regulation and legal reform in Canada, the latter to facilitate bringing legal cases in Canada for alleged abuses by Canadian companies operating overseas. Industry and government participants supported voluntary CSR measures. In response to concern by all participants about the prevalence of social conflict around extractive projects, industry representatives emphasized, among other things, the need to expand development projects at mine sites as key to reducing conflict and achieving a "social license to operate."³⁰

In 2007, a series of closed-door meetings were initiated between major Canadian development organizations (World Vision, Care Canada, and Plan Canada) and a number of

29. The national CSR roundtables were held in 2006, and the final report—*National roundtables on corporate social responsibility (CSR) and the Canadian extractive industry in developing countries*, Advisory Group Report, Ottawa: Department of Foreign Affairs and International Trade—came out on March 29, 2007. I participated in the government's advisory group.

30. For more on the relationship between mining companies and development organizations, see Welker (2009).

major Canadian mining companies (Barrick, Inmet Mining, and IAMGOLD). The aim of these meetings was to establish the potential for long-term institutionalized collaboration around development projects at Canadian mining projects overseas. The meetings led to the establishment of the Devonshire Initiative.

The Devonshire Initiative offers an institutional framework for engagements between Canadian development NGOs and mining companies (some of which were already partnering through individual contracts) and external funders such as the government of Canada and the Clinton-Giustra Fund. For development NGOs that have come under criticism for their partnerships with mining companies on controversial mine projects, the institutional "cover" of the Devonshire Initiative and funding from the government of Canada will be attractive.

Inmet provides insight into industry's assessment of the accountability-focused CSR roundtable process versus the potential of the solutions-oriented Devonshire Initiative:

Inmet is a charter member and Working Group member of the Devonshire Initiative (DI). The Devonshire Initiative . . . grew out of the multistakeholder national Corporate Social Responsibility Roundtables convened by the Canadian government to address corporate social responsibility by the Canadian extractive industry in developing countries. The Roundtables highlighted the polarized and unproductive nature of the relationship between the extractive sector and a small segment of nongovernmental organizations (NGO). To overcome this polarization and move towards productive, on-the-ground solutions to issues of mutual concern, development NGOs and some industry members have come together in a new dialogue that could see both sides working together in developing countries to achieve mutual objectives. This is an exciting opportunity and we are fully committed to the DI process.³¹

Doing Development under the Radar in Porgera

In March of 2004, a Canadian development NGO (CDNGO) presented plans for a large-scale multiyear development project in Porgera at a meeting of PEAK. CDNGO noted that it wanted to be the "coordinating engine for economic development and capacity building in the Porgera Valley" and that it wanted to "develop a consortium of donors" (PEAK minutes, March 1–3, 2004). In particular, CDNGO indicated that it hoped to "attract resources from PJV, bilateral & multilateral donors" (PEAK minutes, March 1–3, 2004). PEAK expressed approval of the project. CDNGO secured a seven-figure sum from Placer.

31. Inmet Mining Corporation (<http://www.inmetmining.com/sustainability/industryinvolvement/default.aspx> [accessed July 13, 2008]). This text has since been modified on Inmet's Web site.

In October of 2005, MiningWatch Canada received "The Shooting Fields of Porgera Joint Venture" from ATA about the alleged violence perpetrated by the PJV mine's security guards and started to engage ATA over the issues. At that time, MiningWatch maintained contact with NGOs working at the national level out of Port Moresby but did not have contacts in Porgera. In order to discuss the issues raised in ATA's report, I contacted CDNGO for the first time in November. In the course of a series of difficult conversations, my contact reluctantly divulged that CDNGO was involved in a pilot study for development work but insisted this was separate from the mine. While eventually agreeing that CDNGO had received a no-strings-attached charitable donation from Placer, my contact denied that CDNGO's choice of Porgera as a location for development work was dictated by those funds. He later mentioned that CDNGO had an advisory group for its project that included the PJV mine's manager. Similarly, he at first denied having any knowledge of allegations of killings associated with the mine's security forces but later agreed that he was aware of the issue but had no relevant information to share because CDNGO was not involved with issues related to the mine. There is no information about the donation from Placer on CDNGO's Web site. A brief reference to the project names PJV (Placer Dome) as the client.

In communications with local organizations, I discussed the involvement of CDNGO in Porgera. The executive of the Porgera Development Agency (PDA), an organization run by the local landowners that has at times been critical of the PJV mine, recalled the presence of a staff person from CDNGO and expressed frustration that Placer had funded a Canadian NGO when it was well known that PDA is the main agency for development projects in the area. The response of a member of ATA was more focused on the fact that the Canadian NGO was not speaking out in Canada about the alleged human rights abuses that are ATA's primary concern: "The [CDNGO] group have been in Porgera long enough and know everything that was happening here in Porgera. They should not deny to report [sic] any matters in Porgera." Another ATA member argued that CDNGO's work was not arm's length from Placer: "The organisation has finished its study on [sic] the first phase of their project and this year they waiting [sic] for the second phase to be approved. A proposal has been placed with Placer and waiting [sic] for it to be approved." CDNGO quit the Porgera project in December of 2005 with no public explanation.³² Although development NGOs work under contract with mining companies at mine sites that are known for community opposition, conflict, and environmental concerns such as Porgera, they do so as silent witnesses.

32. Against the trend, this particular development NGO has, for now, made an organizational decision not to seek further partnerships with mining companies.

Shareholder Resolutions: A Choreographed Dance

The socially responsible or ethical investment industry is growing rapidly. In the United States, this market was estimated at US\$2.71 trillion in 2008. In Canada it was worth approximately CAN\$609.2 billion. SRI companies that hold lucrative but environmentally or socially harmful companies must be seen to be using their ownership to effect change in those companies. One way in which SRI companies publicly engage corporations on their social, environmental, and governance performance is through shareholder resolutions.

In recent years, some 10 shareholder resolutions have been filed regarding Canadian mining companies—Placer, Alcan, Barrick, and Goldcorp—by Canadian SRI companies, most by the Ethical Funds Company (EFC). Many of these resolutions concerned existing or potential mines where long-term and intensive resistance had elevated a local struggle to an international level. A mining company facing intense international scrutiny may be motivated to sit down with an SRI company offering risk-reduction solutions. The SRI company is, in effect, occupying a space for dialogue and negotiation that was created by community struggle.

In each of the cases mentioned above, there was a marked lack of convergence between requests made in shareholder resolutions and the stated objectives of the communities affected by the mine projects featured in the resolutions. The SRI companies also did not appear to have considered whether the resolutions, if acted on by a company, may place additional burdens on a community in struggle and even compromise its own efforts to achieve environmental, economic, and social goals. In a number of these cases, members of the communities whose struggles were featured expressed their frustration with the shareholder resolutions.³³

SRI companies' primary interlocutors and clients are *not* local communities in struggle; they are (1) corporations, in this case mining companies; (2) clients of SRI companies, many of whom trust SRI companies to assure that the money they invest does not contribute to environment harm or human rights abuses; and (3) organizations that may be willing to support a shareholder resolution with their votes. SRI companies need to persuade corporations to engage with them and to demonstrate to their clients that they are, at the very least, talking to companies about improving practices. Corporations will engage only if an SRI company can make the business case that the actions it will ask the company to take will lead to risk reduction from regulators and local communities while maintaining profitability. This imperative importantly narrows the range of possible requests for action that an SRI company can make successfully.

33. Examples are the EFC's 2006 resolutions on Alcan's proposed project in Orissa, India, and Barrick's proposed Pascua Lama project in Chile, as well as EFC's resolution on Goldcorp's Marlin mine in Guatemala in 2008.

Successful corporate engagements, from the SRI company's perspective, are those that will allow it to communicate to its clients that it is moving the corporation to better its practices. A successful shareholder resolution may be one that will be withdrawn rather than put to a vote at the annual general meeting if the corporation expresses a willingness to engage in dialogue with the SRI company on issues of concern to the SRI company.³⁴ Also successful is a resolution that a corporation is prepared to implement in return for good press, possible risk reduction, and relief, even if temporary, from the negative effects of community opposition. Finally, a resolution may be considered successful if it goes to a vote at the annual general meeting and receives a significant percentage of positive votes, sometimes defined as 20%, allowing the SRI company to assert that it has increased leverage for engaging the corporation in the future. In all of these cases, the SRI company declares success and issues a press release to publicize the fact that it is making a difference. None of these conditions for success necessarily responds to community demands. In those cases where a majority of community members oppose the operation of a mine altogether, a lack of convergence between a shareholder resolution and community goals is inevitable.

The relationship between SRI companies and the mining companies whose shares they hold is essentially symbiotic. The mining company provides lucrative returns for the SRI company's clients, and the SRI company's investment is characterized as a certification of approval by the mining company. Both parties have a vested interest in maintaining the relationship and meeting each other's needs. The yearly shareholder resolution process is therefore a narrowly choreographed dance.

Ethical Investing in Conflict in Porgera?

The EFC was Canada's largest SRI company. The EFC conveyed its public message in catchy phrases on its Web site. Under the slogan "Make money. Make a difference," the EFC described its engagement with companies as "making good companies better" and with money as "money is energy . . . to create change." The EFC said it was "the conduit" for "empowering our investors" in "reshaping the way it [a company] does business." And the EFC explained that "you can't change a company you don't own. Thus, the power of share-

34. "In many cases, the mere act of filing the resolution results in fruitful dialogue with company management—they generally don't want the resolution on the agenda of the AGM. If this dialogue moves the company toward meeting our dialogue goals, we'll consider withdrawing the proposal before the management proxy circular goes out to shareholders" (<https://www.ethicalfunds.com/en/Investor/ChangingTheWorld/HowWeWork/EngagingCompanies/Pages/ShareholderResolutions.aspx> [accessed July 13, 2008]).

holder action lies not in divesting or avoiding companies with poor practices, but by helping to improve them.”³⁵

The year before the EFC was to file a shareholder resolution on Barrick that would involve Porgera, the company filed a resolution on another gold mining company, Goldcorp. This resolution galvanized opposition by community leaders and a number of NGOs, led to the first public attempts to theorize the problems with shareholder resolutions focused on mining operations, and altered the course of the resolution that named Porgera.

In 2008, a consortium of investors, including the EFC,³⁶ filed a shareholder resolution that called on Goldcorp to “commission an independent human rights impact assessment for Goldcorp’s operation in Guatemala.”³⁷ Goldcorp is facing considerable community opposition at the Marlin Mine in Guatemala. The resolution immediately met with opposition for at least three reasons: (1) there had been no consultation with the affected communities ahead of the resolution being drafted; (2) by the time it was made public, Goldcorp had already agreed to the resolution;³⁸ and (3) a memorandum of understanding had already been drafted that created a three-person steering committee with company but not community representation.³⁹ Community members immediately felt that the resolution did not respect their own local actions regarding the mine and that it would negatively affect these efforts.

Goldcorp’s HRIA met with fierce opposition in affected communities in Guatemala and led to the first attempts by groups supporting these local communities to articulate publicly the nature of their concerns.⁴⁰ In 2009, one of the SRI

company partners withdrew from the agreement and stated, “We have been especially concerned about the lack of free and informed prior consent of the communities in regards to the HRIA, and that the interests of Goldcorp are being put before the interests of the local people.”⁴¹ The other SRI company partners carried on with the HRIA even though the EFC acknowledged that “the HRIA had had the unintentional consequence of ‘inflaming the situation’ in Guatemala” (Law 2009).

For the 2009 round of annual general meetings, the EFC planned to file a resolution on Barrick modeled on a resolution filed on Newmont Mining Corporation in the United States that covered more than one of its global operations. The EFC’s resolution was to cover five mine locations, including Porgera, and to ask Barrick to conduct an independent assessment of its community relations at these sites.⁴² However, the EFC had no relationship with community representatives at most of the five sites it planned to cover, including Porgera. MiningWatch Canada engaged the EFC on its planned resolution and insisted that the company seek consent of community members that may be affected by the resolution.⁴³

I discussed the EFCs possible resolution with the chair of the PLOA and an executive officer of ATA. They both felt that Barrick would control the process and not allow the serious breaches of human rights that they allege are happening in Porgera to be revealed.⁴⁴ More specifically, they pointed out that they had already endorsed an independent human rights investigation being carried out by the Human Rights Program at Harvard University and that they were not interested in a second and possibly competing study. In a meeting in Toronto between a staff member of the EFC and the executive officer of ATA, ATA’s executive officer stated a lack of trust in the independence of any review of Barrick’s operations paid for and commissioned by Barrick. He also emphasized the significance for community advocacy efforts of the position taken by the Norwegian government’s pension plan in divesting from Barrick over lack of transparency and poor environmental performance in Porgera.⁴⁵

The resolution filed on Barrick by the EFC in 2009 appears to attempt to respond to concerns raised over its Goldcorp

35. <https://www.ethicalfunds.com/en/Investor/ChangingTheWorld/HowWeWork/EngagingCompanies/Pages/ShareholderActionProgram.aspx> (accessed July 13, 2008). EFC merged with Northwest Funds to create NEI Investments on October 26, 2009, but only recently changed its Web site. I have put the text above in the past tense because the Web page I quote from was taken down on November 22, 2010.

36. The other members of the consortium are the Public Service Alliance of Canada Staff Pension Fund/Shareholder Association for Research and Education, the First Swedish National Pension Fund, and the Fourth Swedish National Pension Fund (<http://www.hria-guatemala.com/en/default.htm>).

37. <https://www.ethicalfunds.com/en/Investor/ChangingTheWorld/DifferencesWeMake/MakingGoodCompaniesBetter/Shareholder-Resolutions/Pages/default.aspx>.

38. The press release itself was another source of anger for local people opposing Goldcorp who had not been consulted on the shareholder resolution as it effusively praised the company for “behaving responsibly and responding to the concerns raised by local stakeholders in Guatemala” (<http://www.newswire.ca/en/releases/archive/April2008/24/c9323.html>).

39. For this Memorandum of Understanding, see <http://www.hria-guatemala.com/en/default.htm>.

40. See open letter to Goldcorp and shareholders from Rights Action, August 20, 2008 (http://www.rightsaction.org/Alerts/Goldcorp_HR_Assessment_Flawed_051710.html). See letter to the shareholder group from MiningWatch Canada, December 4, 2008 (http://www.miningwatch.ca/sites/miningwatch.ca/files/Shareholder_ltr_2008-12-04_0.pdf). MiningWatch first met with one of the members of the shareholder group in May of 2008 and articulated its concerns privately.

41. Statement from the Public Service Alliance of Canada on the HRIA with Goldcorp, March 18, 2009.

42. Personal communication with the EFC, February 5, 2009. For a copy of the final resolution and the five mine sites mentioned, see <https://www.ethicalfunds.com/en/Investor/ChangingTheWorld/DifferencesWeMake/MakingGoodCompaniesBetter/Shareholder-Resolutions/Pages/default.aspx>.

43. MiningWatch Canada sent the EFC letters dated December 15, 2008, and February 9, 2009, and had a conference call with EFC staff on February 5, 2009. The EFC did not agree with the premise that shareholder resolutions that would require community involvement should be based on community consent.

44. Personal communication in Porgera, March 21 and 23, 2009.

45. See Porgera Alliance’s announcement of Norway’s divestment from Barrick at <http://porgeraalliance.net/>.

resolution and planned Barrick resolution.⁴⁶ The resolution lists problems at five Barrick mine sites globally, including Porgera, but initially asks Barrick's board of directors to "convene an independent third party" to "review the company's engagement practices and performance" at only one site—the only site where the EFC did have solid community relationships. However, the resolution reserves the right for the EFC to add other sites to the independent review based on "evidence of eroding community support" rather than based on community consent.

Conclusions

Increased awareness by regulators, investors, and communities of potential environmental and social harm associated with mining projects and efforts by mining companies to address concerns while maintaining operations have fueled efforts to design and implement solutions. Mining companies are proactively engaging and embedding problem solvers—among these, anthropologists, development experts, and SRI companies. Many of those who engage undoubtedly do so with the intention of being positive agents of change. Some also acknowledge professional, reputational, and financial incentives to engage mining companies. Fundraising departments of large development NGOs are always looking for ways to diversify funding sources. Academics who engage the private sector are increasingly rewarded by their academic institutions and by academic grant makers who are interested in private-sector partnerships. SRI companies need to be able to show they have the clout to influence corporate behavior as they compete in an open marketplace for shareholder dollars with investment companies solely focused on returns. In this article I have illustrated how the motivations of mining companies and their engagement partners shape the CSR solutions that are implemented at mine sites. I have also argued that these solutions often fail to reflect community positions regarding unacceptable impacts or to advance the remedies sought by communities.

Ballard and Banks (2003) call on anthropologists involved with mining companies to engage in "sustained reflection on the implications and consequences of our interventions" (306). Engagement by experts should minimally "do no harm"; ideally, it should reflect and further community goals with their free prior and informed consent. This means that corporate engagers need to be able to assess the potential impact of their engagement. Effort has to be made to determine the nature of local claims on a company and how these are being pursued. Are community members seeking compensation for specific personal or communal damages, rehabilitation for a degraded ecosystem, consequences for human rights abusers, protection for a sacred site or a natural

resource that sustains livelihood, or cessation of mining? How could engagement undermine or delay achievement of these community goals?

In all cases, those who engage companies as problem solvers are likely to gain information that is critical to community struggle. Contracts may need to protect issues of commercial confidentiality but should prohibit little else from being shared with the affected community, particularly data extracted from the community or advice given to the company regarding the community. Knowledge of criminal activity or human rights abuses should not remain confidential through contract or through professional courtesy. Much of what experts have learned about the Ipili and about mining-related conflicts in Porgera as consultant anthropologists, as development specialists, through participation in PEAK, or through dialogue with the company as an SRI company is currently not accessible to community members engaging the PJV mine.

Acknowledgments

I would like to thank the participants of the symposium *Corporate Lives: New Perspectives on the Social Life of the Corporate Form* (hosted in Santa Fe in 2008 by the Wenner-Gren Foundation and the School for Advanced Research) and Stuart Kirsch, who provided helpful comments on earlier drafts of this essay.

Comment

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Catherine Coumans provides a new model for studying corporations and contemporary capitalism. Rather than focus on production and consumption, she examines the relationships mining companies forge with other actors: indigenous landowners, NGOs, anthropologists, nation-states, corporate shareholders, and multilateral organizations. Anthropologists have not paid sufficient attention to how these different stakeholders broker deals and make compromises, how their decisions are influenced by money and power, and the consequences for differentially situated actors. Studying these interactions provides a very different perspective on capitalism than does tracking commodity flows or conducting ethnographic research on stockbrokers. Coumans argues that anthropologists need to examine how corporations negotiate questions of accountability with different publics, some of which have the capacity to limit the harm caused by corporations (see Benson and Kirsch 2010).

46. <https://www.ethicalfunds.com/en/Investor/ChangingTheWorld/DifferencesWeMake/MakingGoodCompaniesBetter/Shareholder-Resolutions/Pages/default.aspx>.

Although Coumans identifies the importance of reputational risk for corporations, she also suggests that anthropologists have need for concern on this score. Anthropologists have long been accused of stealing peoples' culture, but they are now being criticized for selling that knowledge to mining companies, which treat it as proprietary business information. It is true that the mining industry employs or funds a growing number of anthropologists. As Coumans notes, public relations consultants recognize the strategic value of buying up anthropological expertise, which limits informed commentary or critique (see Kirsch 2007:309). The contractual obligation to remain silent may pose an ethical dilemma for anthropologists, who used to have a code of ethics that required them to make their research results available to the public. This seems like an example of a collective action problem that might be addressed by the discipline's professional associations, which could establish rules concerning limits on confidentiality when the subjects of anthropological research are exposed to harm.

Anthropologists explain their decision to work for the mining industry in various ways: the desire to improve relationships between mines and communities, the recognition that the downsizing and privatizing of the academy requires anthropologists to find new markets for their skills, or simply that corporations are more willing to pay for anthropological advice than are indigenous groups. Coumans provocatively compares anthropologists who work for mining companies with journalists embedded within the army during the second Iraq war and notes the restrictions imposed on what the journalists saw and how they were permitted to report on it. Alternatively, one might compare the anthropologists working in the "killing fields" of Porgera with the anthropologists participating in the controversial Human Terrain System (HTS) in Afghanistan, which embeds anthropologists within active combat units, where they provide guidance to the army on its interactions with local populations.

I take issue with Coumans on one issue. It is not necessarily the case that anthropologists who consult or work for the mining industry feel under pressure to toe the company line or censor their opinions. There is no reason to assume that anthropologists as a group share a common set of understandings about mining companies and their practices. In general, one finds that anthropologists working for mining companies tend to produce accounts closer to industry positions, and the accounts of anthropologists working primarily with NGOs and communities tend to be more sympathetic towards the claims of these groups.

Finally, there are several questions I would like to raise. First, although Coumans discusses many of the key actors in these interactions, she does not address her own positionality as a member of an advocacy NGO. I am particularly interested in thinking about advocacy as a mode of knowledge production as illustrated by her article. What are its strengths and weaknesses, and how does it differ from other forms of expertise? Second, the area around the Porgera gold mine has

become one of the most violent places in the rough-and-tumble nation of Papua New Guinea. Payments made to landowners have facilitated the emergence of a dangerous class of "super big men" (J. Jacka, personal communication, 2010). It is important to recognize that the mine has been a catalyst for these conflicts rather than naturalizing the violence as "tribal fighting" (see Kirsch 2009). However, it is equally important to understand how these conflicts also emerge out of the juxtaposition of exchange systems historically based on the dispersal of wealth and individuals who embrace capitalist-style accumulation of wealth. Third, anthropologists need to remain attentive to issues beyond the interests of the landowner groups most vocal about their grievances and the mining companies that set the parameters of research projects when they hire or fund anthropologists. For example, the extensive literature on Porgera makes only limited reference to what happens to pollution from the mine once it enters the Strickland River. Under particular hydrological conditions, water from the Strickland may flow into Lake Murray and the surrounding lagoons. This poses a potential health risk to the Boazi, Kuni, Mbagua, and Zimakani peoples living in this remote area, given the elevated mercury levels in the mine tailings and the naturally high background levels of mercury in the lake. Finally, pollution from the Porgera mine eventually flows down the Strickland into the Fly River, which has already been affected by more than 1 billion metric tons of mine waste discharged by the Ok Tedi copper and gold mine (Kirsch 2006, 2008). Ignoring the impact of pollution from the Porgera gold mine on the Kiwai and their neighbors in lower Fly River reinforces the joint venture's strategic avoidance of a complete accounting of its externalized social and environmental costs. Ironically, this suggests that advocacy as a research method may have some of the same shortcomings as research supported by the mining industry.

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